DETAILED ACTION

Response to Amendment

The amendment filed on 6/29/2011 is acknowledged.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the, "slide switch" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15 are rejected under 35 U.S.C. 102(b) as being anticipated by NIELING (5,700,191).

NIELING teaches:

15. An operating unit (5) comprising an operating element (9) is placable within a first setting range (26 to 27 to 28) or a second setting range (25 to 29 to 28) during use of the actuating device; an air vent (50 at 55, 56, 57) comprising a first actuating element (55' or 56' or 57'), the air vent being configured to control whether air provided to an interior of the motor vehicle is conditioned in a form of an intensely directed flow (26 or 28), a diffuse flow (25), or a mixture (29) of the intensely directed flow and the diffuse flow during use of the actuating device; an air flow control element (34 or 45 or 53) comprising a second actuating element (35), the air flow control element (34 or 45 or 53) being configured to control a distribution of the air to a plurality of outlets (51, 55, 56, 57) in the interior of the motor vehicle during use of the actuating device; a first transmission element (42) connecting the operating unit (5, at 4) to the air vent (51, 55,56,57) (Fig.4c); and a second transmission element (43) connecting the operating unit (5 at 4) to the air flow control element (34) (Fig.4a); wherein, when the operating

element (9) is placed within the first setting range (between 26 and 28), the operating unit is configured to control the air vent via the first transmission element (42) and the first actuating element (55' or 56' or 57') during use of the actuating device; wherein, when the operating element (9) is placed within the second setting range (from 25 to 28) the operating unit (5) is configured to control the air flow control element (34) via the second transmission element (43) and the second actuating element (35).

16. The first setting range comprises a first end position, a second end position, and an intermediate position, when the operating element is placed in the first end position, the operating unit (5) is configured to control the air vent such that the air provided to the vehicle interior is conditioned in the form of the diffuse flow (25), when the operating element is placed in the second end position (at 28), the operating unit is configured to control the air vent such that the air provided to the vehicle interior is conditioned in the form of the intensely directed flow (28), and when the operating element is placed in the intermediate position (at 29), the operating unit is configured to control the air vent such that the air provided to the vehicle interior is the mixture of the diffuse flow and the intensely directed flow (Fig.2).

17. The second setting range comprises a first end position (25), a second end position (28), and an intermediate position (29), when the operating element (9) is placed in the first end position (26), the operating unit is configured to control the air flow control element such that the air is distributed to a windshield of the motor vehicle (defrost mode is for the windshield, Fig.2), when the operating element is placed in the second end position (28), the operating unit is configured to control the air flow control

element such that the air is distributed to a foot well of the motor vehicle (Fig.2), when the operating element is placed in the intermediate position (29), the operating unit is configured to control the air flow control element such that the air is distributed to both the windshield of the motor vehicle and the foot well of the motor vehicle (Fig.2 shows 29 is mixed defrost and foot).

18. The operating element (9) of the operating unit (5) is a rotary switch or slide switch (rotary switch, shown in Fig.2).

19. The each of the first (42) and second transmission elements (43) is one of a Bowden cable (example 45) and a flexible shaft (Fig.4b).

20. The operating unit comprises a control disk (disk of 7 or disk of 9) with two levers (9' and 61).

21. The operating unit comprises two control disks (disk of 7 and disk of 9), each control disk comprising one lever (9' or 61).

22. The at least one of the first actuating element and the second actuating element is driven by an actuator (44).

23. The actuator is an electric motor (Fig.4a).

24. The operating unit further comprises an electronic position sensor (such as 41), and the actuating device further comprises an electric line (42) connecting the electronic position sensor to the actuator (Fig.4a).

25. The first actuating element (55', 56', 57') is driven by a first actuator (44), the second actuating element (35) is drive by a second actuator (44'), and the first and second actuators are combined in a central unit (4).

Response to Arguments

Applicant's arguments with respect to claims 15-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMANTHA MILLER whose telephone number is (571)272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samantha A Miller/
Examiner, Art Unit 3749

1/28/2012

/STEVEN B. MCALLISTER/
Supervisory Patent Examiner, Art Unit 3749